

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 30 April 2008 has been entered.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Bradley D. Lytle on 09 June 2008.

3. The application has been amended as follows:

IN THE TITLE:

The title has been amended to read as follows:

--DISK RECORDING/REPRODUCING APPARATUS WITH CARTRIDGE DROP  
PREVENTING MECHANISM HAVING ELASTIC FLAP PORTION--.

IN THE CLAIMS:

Claims 5 and 10 have been amended to read as follows:

Claim 5 (Currently Amended): The recording and/or reproducing apparatus according to claim 4, wherein

the disk cartridge further includes ~~[[an]]~~ the opening portion that allows a disk stored to face an outside and a shutter member that is locked in a position of closing the opening portion and disposed so as to be movable between a position of opening the opening portion and the position of closing the opening portion; and

a side surface plate ~~opposing the side surface plate that includes the recessed portion~~ has including a shutter lock release member for releasing locking of the shutter member.

Claim 10 (Currently Amended): The apparatus of claim 1, wherein the elastic flap portion is configured to move ~~along~~ with respect to the ~~first~~ second side wall of the cartridge holder while the disk cartridge moves from the recording/reproducing position to the insertion/removal position, the leading end of the elastic flap portion being configured to fit in a recessed portion of the disk cartridge at the recording/reproducing position, and fit into a groove at the insertion/removal position.

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4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Craig A. Renner whose telephone number is (571) 272-7580. The examiner can normally be reached on Tuesday-Friday 9:00 AM - 7:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, A. L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Craig A Renner/  
Primary Examiner, Art Unit 2627

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